

## **Remarks**

- 1) Applicant thanks the Examiner for his office action and for allowing claims 6-10. Applicant hopes that this response will further the understanding of applicant's invention.
- 2) Applicant submits herewith an information disclosure statement which reflects documents cited by the European Patent Office in a corresponding application. Applicant submits that the above information, taken alone or in combination, neither anticipate nor render obvious the present invention. Consideration of the foregoing in relation to this application is respectfully requested.
- 3) Claims 1-57 and 62-68 are pending in the application. Claims 6-10 are allowed. Claims 18-21 25, and 26 are objected to, the status of claims 62-68 are in dispute due to reasons stated below. The rest of the claims stand rejected.
- 4) The Office stated that claims 62-67 have been withdrawn due to an election without traverse. Applicant directs the Office attention to the fact that a well reasoned TRAVERSE HAS BEEN MADE in the response sent to the Office July 27 2004. Furthermore, for the reasons stated therein, applicant requests that the Office will provide a reasoned response for the apparent continued restriction, which considers the traverse arguments raised. Additionally, the Office is kindly requested to correct the record as to the Office claim of election without traverse.
- 5) Claims 1-4, 11-15, 22-24, and 45 stand rejected under 35 U.S.C. §102(b) as being anticipated by Simmons (US 6,741,911). Simmons discloses an apparatus and process for controlling a remote robot responsive to the integrated sensory perceptions, natural body movements, inertia and gravitation of an operator/user who is himself responding to a three dimensional virtual world of visual and sensory conditions responsive to the environment at the remote site where the robot is operating. As can be seen in Col. 1, ll. 37-44, the user enjoys the perception "as if his body were actually in the remote location". Clearly therefore, the Simmons patent discloses a remote operating robot. The Office itself stated that the Simmons patent discloses a device comprising "between the remote and local components" a device including an exoskeleton, etc.
- 6) Simmons' invention deals with a robot that is remotely controlled and operated, with the operator wearing gear on his limbs equipped with sensors that track his movements and

transfer them to the robot, which performs same movements on site. The sensors that sense movements of the user's limbs transmit signals to the remote device – i.e. the robot.

- 7) Contrary to this, in the present invention sensors are mounted on the trunk of the wearer and sense his movement in order to detect predetermined conditions that initiate motion of the exoskeleton **bracing** system, thus facilitating gait or stationary (sitting, lying, standing, stair-climbing) positions.
- 8) As can be seen in claim 1 for example, Simmons not only fails to disclose, but actually teaches away from the claim limitations requiring an exoskeleton comprising jointed support arms for **coupling to the trunk of the body and lower limbs of the person**, as well as that the propulsion means be **coupled to the exoskeleton bracing system**. Clearly therefore not only does the Simmons reference relates to a completely different invention, but Simmons teaches away from the claimed features requiring that the propulsion means be attached to the exoskeleton which is attached to the person's trunk. If arguendo, the Simmons reference can be considered to disclose an exoskeleton at all, this exoskeleton is either remote and does not conform to the claim requiring the exoskeleton being a **BRACING SYSTEM** for the user, or the propulsion means are NOT coupled to the exoskeleton.
- 9) For the above stated reasons, it is clear that the Simmons reference can not be considered to anticipate ANY of the claims of the present invention.
- 10) Furthermore, the Office rejected the above claims under 35 U.S.C. §102(b). Applicant points out that the Simmons reference (having an effective claimed priority date of September 20, 2000, having been filed on Sep. 20, 2001 after the present application, and issued May 25, 2004) cannot be a 102(b) publication against the pending claims, since the Simmons patent claims priority to less than ten month before the May 24 2001 US filing date of the present application. Therefore, Applicant respectfully request that the Simmons patent be withdrawn as a 102(b) reference.
- 11) In re Lee, 277 F.3d 1338, 61USPQ2d 1430, (Fed. Cir.), dictates that to establish a **prima facie case of obviousness**, three basic criteria must be

met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the reference (or references when combined) must teach or suggest all the claim limitations.

- 12) Claims 5, 10, 16, 17, 27-30, 42-44, and 46-57 strand rejected under 35 U.S.C. 103(a) as being unpatentable over Simmons in view of US 4,206,558 to Bivona. Applicant respectfully points out that firstly the Simmons reference has been shown irrelevant to the present invention, and should be removed. Furthermore, the Bivona reference relates to a an exercise shoe for simulated jogging, while the present application relates to gait-locomotive apparatus for support gait, stance and climb, and transition between lie-sit-stance of a person with locomotive disability. The type of problems for which the two inventions are directed is clearly different. Therefore, the Bivona reference is non-analogous art and may therefore not be relied upon in a §103 rejection (see MPEP 2141.01(a)). Furthermore, the Office failed to establish any motivation to combine any motivation to combine the exercise shoe of Bivona and the remotely operated robot of Simmons, and such motivation is highly unlikely as the Simmons robot does not require exercising. Therefore the Office failed to meet the requirements of *in re lee*. Furthermore, as the references fail to show the claim limitations stated above, applicant respectfully submits that the combination of Simmons and Bivona are impermissible and that the rejection should be withdrawn.
- 13) In regard to claims 27-30, and 42-57, the applicant have shown that not all claim limitations are disclosed by Simmons and that the Simmons reference should be withdrawn is improper §102(b) reference. Moreover, the claims are clearly allowable as being dependent on claim 1 which has been shown allowable.
- 14) In regards to claims 16-17, applicant respectfully submits that despite the arbitrary position taken by the Office, the claims are allowable as being dependent of claim 1, which was shown allowable.

Applicant has made a good faith effort to address each and every point made by the Examiner, in order to place the application in condition for allowance. Should the Examiner find any deficiency in this amendment or in the application, or should the Examiner believe for any reason, that a conversation with applicant's agent may further the allowance and issuance of this application, the Examiner is kindly requested to contact Shalom Wertsberger at telephone (207) 799-9733.

In light of the showing and all other reasons stated above, applicant believes that the rejections and objections presented by the Examiner in the office action mailed to applicant December 10, 2004 were overcome. Applicant therefore submits that the claims as amended are in condition for allowance. Reconsideration and withdrawal of the rejection and issue of a notice of allowance on all pending claims is respectfully solicited.

Respectfully submitted



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